

PUBLIC DEFENDER COMMISSION MINUTES

June 14, 2006

Office of State Public Defender

44 W. Park St.

Butte, MT 59701

Call to Order:

The Public Defender commission meeting was called to order at 3:10 p.m. by Chairman Jim Taylor.

Commissioners Present:

Betty Bischel, Edgar; Daniel Donovan, Great Falls; Stephen Nardi, Kalispell; James Park Taylor, Pablo; Wendy Holton, Helena; Doug Kaercher, Havre; Mike Sherwood, Missoula; Caroline Fleming, Miles City, all via conference call and Jennifer Hensley of Butte appeared in person.

Commissioners Absent:

Theda New Breast, Babb and Tara Veazey, Helena.

Other Interested Parties:

Randi Hood, Chief Public Defender; Eric Olson, Training Coordinator, OPD; and, Douglas Day, Regional Deputy Public Defender, OPD; appeared via conference call. Sandra Law, Financial Manager, OPD; Harry Freebourn, Administrative Director, Office of State Public Defender (OPD); Larry Murphy, Contract Manager, OPD; **Robin Rowe and Don Kinman of** , appeared in person.

Agenda Item One: Contract Attorneys – Set Pay Schedule:

Larry Murphy, OPD Contract Manager, reminded the Commission of the meeting in May when they discussed the possibility of adopting a policy of not less than \$60 per hour as a rate of pay to be offered to contract attorneys. The Commission asked him to determine if setting a floor of not less than \$60 per hour could be done. Mr. Murphy said he has determined that it was unusual but there is no legal reason to stop them from setting a floor. He also stated that there usually was not a floor set in a competitive bidding process. Mr. Murphy advised the Commission that he is in the process of offering contracts or Memorandums of Understand (MOU) and he needs to know what rate he should offer. He told the Commission that the District Courts, under the Judiciary, are paying for public defender services with a rate of up to \$60 per hour for attorney time and windshield time, mileage – when allowed at the state rate and if they

were in a "travel status" under state law, they were entitled to breakfast, lunch, dinner and lodging. He also stated that it just came to his attention that they were also paying for certain office costs, including postage, telephone, fax and other miscellaneous expenses. Mr. Murphy further stated that he doesn't know what attorneys were being paid for public defender services in the limited courts but from information that he has been able to gather that the \$60 per hour rate has seems to have trickled down to the limited, municipal, and city courts. He also informed the Commission that a city court judge in West Yellowstone told him that they couldn't get anyone for less than \$100 per hour. He said he also talked to someone in Whitefish who works in three different city courts and is paid three different rates. He also talked to a justice of the peace in Sidney and was told that they can't get anyone for less than \$65 per hour. He pointed out that the hourly rate varies from place to place.

He asked the Commission to refer to the Contracted Attorney Reimbursement Options (Exhibit 1) and asked them to note that in Option 1 the rate from district courts to the city court level is \$60 per hour for working and windshield time and also mileage, per diem, if in state travel mode, which includes breakfast, lunch and dinner and/or lodging are also paid. Mr. Murphy added that if we're going to be spending an inordinate amount of time scrutinizing copies, phone, postage bills, we may want to consider offering contract attorneys a flat sum instead of paying their office costs. He said he and Harry Freebourn went over the numbers and thought that may \$25 per month would be reasonable because one month it might be more than that and the next month it could be less.

He explained that in Option 2 the rate would be \$60 per hour in all courts for working and windshield time but has none of the other costs such as mileage and per diem.

Mr. Murphy explained that in Option 3, the rate would be \$60 per hour in all courts for attorney time and \$30 per hour for windshield time. In addition, we would pay mileage, per diem and office costs if specific costs can be determined.

Mr. Murphy recommended to the Commission that contracts be offered with a clause that gives him the authority to go above the Commission's standard, be it \$60 per hour in those cases where he can't get attorneys to take cases without offering more than \$60 per hour. He also informed the Commission that he has found some attorneys who look at defense work as pro bono and would be willing to do it for less.

Mr. Murphy advised that another issue came up earlier in the week about the issue of malpractice insurance. He said that on many of the applications he has received do not have malpractice insurance.

Chairman Taylor noted that in earlier meetings, Steve Bender said that the Department of Administration would be responsible for any defense of a malpractice suit, so he thinks there may be no need because it would be covered under the state fund.

Mr. Murphy informed the Commission that in the MOU he is drafting, he is referring to them as independent contractors and they will sign off as that. He questioned that if the state is supplying malpractice insurance then what affect, if any, does that have on their independent status.

Commissioner Hensley talked about an e-mail that Harry Freebourn sent to Larry Murphy summarizing the conversation he had with Steve Bender and stated that Mr. Bender provided a warning that if we provide insurance to a contract attorney then they may be considered a borderline employee vs. contracting situation. Ms. Hensley suggested that the Commission contact a labor attorney.

Chief Hood stated that we would also want them to adhere to the standards.

Chairman Taylor said that it may change things and we may have to carry workman's compensation.

Mr. Murphy said that he'd been in contact with the Supreme Court Administrator's office and they said they did not require it, that it was up to the counties who previously contracted with the attorneys. Broadwater County didn't talk about it. He talked to Bill Gianoulis, a state attorney with Risk Management who advises us to have contact attorneys maintain malpractice coverage. He asked the Commission to give him guidance as far as an hourly rate and also whether or not to put in requirements for malpractice insurance.

Chairman Taylor said he would like more feedback from the people who attended the Legislative Finance Committee meeting at this time.

Regarding the rate paid to attorneys by the Judiciary, Mr. Freebourn stated from his perspective that those working on district court cases have probably migrated to the \$60 level. Furthermore, we were funded approximately \$1.7 million to service the lower courts. About one million of the aforementioned amount came from MACo in a survey they did for FY 2004 of which costs were related to public defense. The \$700,000 was pure guess because no survey was done and the figure was developed using MACO's survey and a Billings city court budget.

Chief Hood thinks there are contracts out there for less than \$60 per hour and that people are happening providing services at this rate.

Commissioner Kaercher said that in Hill County, their contract for courts of limited jurisdiction in 2004 was \$31,000 and they did require them to have insurance. So it worked out to pretty close to \$60 per hour and they supplied their own insurance.

Mr. Murphy recommended that we stay where we are currently at with Option 1, pay everyone in every court \$60 per hour for attorney and windshield time. He also recommended that the Commission come up with a dollar figure for office costs rather than paying actual costs as he see this as an administrative burden.

Chairman Taylor asked Mr. Murphy for a definition of windshield time.

Mr. Murphy explained that if an attorney was traveling in Helena to a court in Helena then that would not be considered windshield time. If travel were from Helena to Broadwater County then that would be windshield time and they would bill for one hour. He stated that not a lot of attorneys will have windshield time because they will be handling courts close to their offices. He informed the Commission that Peter Ohman, the Regional Deputy Public Defender in Bozeman, is going to send a full time attorney down to West Yellowstone on a regular basis so we won't have to incur the \$100 per hour costs there. He also said that there will be a lot of windshield time on the highline and in the Glendive and Miles City area.

Commissioner Nardi stated that he completely agrees with Option 1 and he thinks it is inappropriate, given the Legislature's dim view to go up. He thinks the rate should stay at \$60 per hour and then have a flat fee for office costs of \$25 or \$50 per month. He believes it is the safest and wisest thing to do.

Chairman Taylor pointed out that Option 1 is an increase from where we are now.

Commissioner Nardi suggested that Mr. Murphy be given flexibility and that the Commission standardize attorney service rate at \$60 per hour.

Commissioner Hensley stated that she agrees with Commissioner Nardi that we stay with the current rate but communicate to those who are writing the checks that we are willing to move away from this "floor" dollar amount idea and send a good message to the Legislators that we are being reasonable about this. She further stated that if and when the Commission makes the decision to raise the \$60 per hour rate, the decision needs to be defensible. She thinks the Commission should move away from the floor and give the Contract Manager the authority to dictate on a case by case basis what they'll receive.

Chief Hood stated that based on her experience at the Legislative Finance Committee meeting in June she agrees with Commissioner Hensley and thinks that they're looking for us to say that \$60 is the standard but if there are one or two people out there in the rural areas that only expect \$50, then we go for that and don't set a basement.

Chairman Taylor talked about for this fiscal year calling the \$60 a standard but maybe in some places we don't have to go that much.

Mr. Freebourn told the Commission that we have sent a decision package with a budget item request to the Governor's Office to raise that rate during the next biennium and noted he views Commissioner Hensley comments about raising support for this position to be important and that we all need to get information to support this position.

Commissioner Sherwood said he sees the whole thing as a real risk because we're encouraging fraud or telling people at \$60 per hour if they're billing reliably, they might be able to bill \$90,000 per year and that means if they're going to be paid competitively with someone making \$50,000 per year plus benefits of 20% then their overhead can only be \$30,000 per year. Commissioner Sherwood also stated that somehow he thought they were on track to adopt an \$80 per hour pace and now they're not. He also noted that there are people such as Bill Boggs who can run on \$60 per hour and have no staff or there are people that just rip off the system. He stated that if we say they can't bill more than 1600 hours a year at \$60 per hour then they are not making the kind of money a lawyer should make. He went on to say that if you ask the Legislators, if the state is on the line and you're contracting to represent the state, they're paying \$200 per hour.

Commissioner Holton stated that she thinks the rate is \$135 per hour.

Commissioner Sherwood asked why they should pay \$135 to protect the state but only \$60 to protect its citizens.

Commissioner Hensley told Commissioner Sherwood that she doesn't disagree with him but that what they couldn't answer in front of the Legislative Finance Committee is the actual facts and statistics as to why the Commission wants to raise the rate to \$80 per hour. She believes that if we had that information then there would be a pretty good chance of getting the funding. She stated that the committee meeting was uncomfortable and that they put the brakes on, they had pretty strong support from the committee but they wanted a reason to increase the rate.

Commissioner Sherwood stated that people are going to go to prison wrongly at the \$60 per hour rate.

Commissioner Nardi said that he totally agreed but that the political reality is that they don't even think criminals should have representation.

Commissioner Sherwood stated that the only thing worse than not providing services is not paying for good service.

Chief Hood told Commissioner Sherwood that there are people doing it for \$60 and they're doing a good job and they may not be totally supporting themselves on public defender cases.

Chairman Taylor said that we're talking about paying \$60 per hour during the next fiscal year from July 1, 2006 to June 30, 2007.

Commissioner Kaercher said that in Hill County they hired a prosecutor for \$125 per hour but could get a public defender for \$60 so apparently they are able to supplement their income.

Mr. Murphy stated that in reviewing probably over one hundred contract applications, the majority of people asking to contract are just supplementing their overhead, the majority of their income is from private contracts.

Commissioner Nardi agreed saying that 60% of his time was spent on public defender work but it was less than 10% of his annual income but he did the work because he liked it and it bolstered his criminal cases.

Chairman Taylor noted that we are already three million plus for this year in the red but that the war is the next biennium.

Commissioner Sherwood agreed but says if we have it for \$60 then they'll want to know why it should go up to \$80.

Commissioner Hensley stated that she doesn't think we'll hear that we don't have hard data right now but she is hopeful that when we go before the 07 legislature we'll have six months worth of data to give them.

Chief Hood said that once we have the data then we should talk to the attorneys and tell them to talk to their legislators and tell them they can't do it for \$60 per hour.

Mr. Murphy said he will talk with prospective contractors and see if we can get by with a lower figure at this point and ask them to stay on board until we can go to the Legislature.

Commissioner Sherwood stated that he's practiced for 29 years and he doesn't have an office that's any nicer than the probation office and his overhead is just of \$80 an hour.

Chief Hood reminded him that it is in Missoula, Montana, not Scobey.

Commissioner Sherwood said that maybe they don't need to make what he makes but at \$60 per hour these people are going to be forced to cut some corners.

Commissioner Holton said she continues to think we can pay our people better and that she's always done good work not motivated by money and she feels that people who do this work are motivated by ideology rather than money and there are other benefits.

Commissioner Donovan agrees with Commissioner Sherwood, but offers one idea. Commissioner Sherwood talked about full time employees with equal pay with prosecutors that work in the Attorney General's office and wondered if prosecutor contract with [REDACTED] to prosecutor, why a defense lawyer get paid the same?

Commissioner Holton stated that you can't pay \$130 per hour to prosecutors and pay ours \$60 to defend.

Commissioner Nardi stated that we will fight the battle of continued pay another day.

Commissioner Taylor stated that we won't know what the costs are in the lower courts because they made up the number. He also stated that we are \$3,000,000.00 over at present and he is happy to defend that but that the Commission also has to decide if they want to pick a fight now as opposed to a fight in January.

Mr. Murphy told the Commission that in talking to attorneys about a month ago, especially in the rural areas, they told him they could not work for that amount. He also said that he has received an application from everyone who has told him they won't work for \$60.00 per hour, even after he told them he was going to recommend \$60.00 per hour to the Commission. A group of attorneys in Kalispell have dropped their cases, two of them who would work for \$60.00 per hour.

Commissioner Sherwood: If you're son was being charged with rape would you have the Kalispell attorneys defend him?

Commissioner Hensley stated to Commissioner Sherwood that surely he was not saying that every attorney out there is providing sub-par service.

Commissioner Sherwood: Yes, I am.

Commissioner Taylor stated that's one reason we'll have standards and supervision.

Mr. Murphy said he doesn't care what we pay them, if they're lousy attorneys, they'll still be lousy at \$100.00 per hour, and there are attorneys out there that are good and will be happy at \$60.00 per hour.

Commissioner Sherwood said that they've been ground down by the system that doesn't allow them to practice.

Chairman Taylor talked about Bill Boggs, who works at \$60.00 per hour. He proposed that the Commission go with Option 1, which is an increase from the current rate being paid, sets a floor of \$60.00 per hour, but allows Mr. Murphy to go over and write to every contract attorney and say the proposal for the next biennium is \$80.00 per hour and that we didn't get funding we needed, but hang in there with us.

Commissioner Hensley requested that we remove the floor because there may be two or three attorneys that will work for less than that. She stated that if we remove the floor then we're reasonable – open – and can say to Randi and Larry that we want

quality. She said that Mr. Freebourn made a good comment to call it a “standard of \$60.00 per hour” instead of a floor of \$60.00.

Commissioner Nardi agreed with Commissioner Hensley.

Mr. Freebourn stated that he thinks the word “floor” is an irritant to the legislature.

Commissioner Holton stated that if we can change the word and not irritate them, then she’s all for that.

Commissioner Taylor stated that he believes that the legislators that will be bothered by that issue are never going to support us anyway.

Commissioner Taylor stated that \$60.00 per hour is \$12.00 per hour less than the mechanics charge in Missoula.

Commissioner Kaercher said that as a non-attorney on this commission, he would look at it like labor negotiations. If he’s having trouble hiring these people, it may be that he’s not paying them enough. He said that Mr. Murphy may be right in that if we can’t hire these people at \$60.00 per hour then we can go to the legislature. But if we can get everyone at \$60.00, it is kind of an argument both ways, and we need to play it out a little or the legislators will never go for it.

Commissioner Nardi asked Chariman Taylor how they should proceed.

Chairman Taylor asked all of the Commissioners for their comments.

Commissioner Fleming said that she agrees, we should go with recommendation No. 1, talk to the people in our area – get some figures as to why they really can’t make it on that, but are they willing to come into the new system. She doesn’t think we have much of a choice.

Commissioner Bischel said that she agrees that Option 1 looks good. She stated that she kind of wants to play nice to get what we want. She thinks we need to build some statistics and then go to the Legislators. She is also very much in favor of the windshield time. She also stated that just because teachers are paid more in cities like Billings, that doesn’t mean they are better.

Commissioner Nardi stated that we can raise them up; if they stay with us we’ll do right by them.

Mr. Murphy stated that somewhere along the line we’ll be paying our more experienced people doing our heavy duty felony work a higher rate than our interns or people doing our misdemeanor work. We can contract at flat sums and get away from this hourly rate. We need to collect data to go to the legislature.

Chief Hood asked Mr. Murphy to talk to other states, like Colorado, to see how they deal with this issue.

Commissioner Kaercher asked what the regional directors are paid.

Chief Hood stated that they are paid \$75,000.

Chairman Taylor stated that there will also be a lot of contact work for conflicts for bigger areas.

Commissioner Sherwood said that attorneys need that money to subsidize, and aren't in a position to say if we don't pay \$80.00 per hour, then go to hell. He stated they need that money so they will do it for \$60.00 per hour. He said we're trying to squash them like bugs.

Commissioner Hensley stated that she's not trying to squash anyone like a bug that we're all on the same team here.

Commissioner Sherwood asked then why go to \$80.00 per hour if they will work for \$60.00 per hour?

Commissioner Nardi stated that that is a future battle, we've got to stick to the question at hand – what do we want to give to Larry?

Chairman Taylor asked if there is there a general agreement to call it a standard or a floor.

Chairman Taylor made the suggestion we move to approve Option 1 and call it a standard and have Mr. Murphy collect data.

Commissioner Nardi seconded that motion, with Commissioners Donovan and Sherwood opposing the motion. Chairman Taylor stated that the motion carries.

Mr. Murphy asked about the office costs.

Commissioner Nardi stated that they be capped at \$50.00 and further stated he would go either way, but thought \$50.00 was so small it is almost insulting.

Mr. Freebourn stated that Option 1 included the \$60.00 per hour working and windshield time, mileage and per diem in-state travel status, and pay office costs at \$25.00 per month.

Chairman Taylor indicated that he didn't think everyone got the email, and asked Commissioner Hensley if the \$25.00 is per client or just a flat fee.

Mr. Freebourn stated that it is a flat fee, and further stated that he thought some were over \$25.00 or under \$25.00 monthly.

Commissioner Hensley made the statement that \$25.00 was extraordinarily low

Commissioner Nardi stated that \$25.00 is probably fine...

Mr. Freebourn indicated that the reason we put \$25.00 down is, we saw it as an administrative nightmare – to make these our people review all records to prove these costs.

Commissioner Nardi stated to go with the \$25.00 and asked if everyone agreed.

Commissioner Sherwood and Commissioner Donovan indicated they did not agree.

Chairman Taylor wanted to know if everyone who understands that Option 1 includes the \$25.00 wanted to change their vote? None of the Commissioners changed their vote.

Mr. Murphy stated _____ sending out a memo of understanding - saying

Chairman Taylor then stated that at \$60.00 per hour we couldn't very well require them to carry malpractice insurance.

Commissioner Nardi stated that he thought it was covered by the State.

Commissioner Sherwood inserted that he thought it would be fiscally and professionally irresponsible to not carry malpractice insurance.

Mr. Freebourn made the statement that we will contact the Department of Labor, and also research the worker's compensation issue prior to the next Commission meeting.

Commissioner Nardi stated to put that on the agenda for the next meeting.

Mr. Freebourn stated that Mr. Murphy won't have time to put either provision in his MOU and he recommended that, for now, we proceed with the rules that we inherited from the Judiciary but that the MOU can be changed once we know more about insurance and workers compensation rules.

Commissioner Sherwood indicated that he didn't agree with that.

Chairman Taylor asked if insurance and workers compensation would be covered by the State.

Mr. Freebourn answered that's what we're checking on. Mr. Freeborn asked Mr. Murphy if a significant number who don't carry insurance, a number of them who contracted with the county and a number of them have cases that will be turned over on July 1st who don't have malpractice insurance.

Commissioner Kaercher stated that in Hill County, it was a requirement.

Commissioner Nardi stated that it should be researched and then put it down as an action item.

Motion by Chairman Taylor: To adopt Option 1 as outlined in exhibit 1 that sets the contact attorney amount at \$60.00 per hour as a floor with the flexibility to go over when necessary and that the Commission will go the to next legislature to raise the amount paid.

Commissioner Hensley recommends that the word floor be replaced with the word standard and would second the motion as revised.

The motion as revised passed with two opposing votes from Commissioners Sherwood and Donovan.

Agenda Item Two: Conflicts Coordinator Position

Chairman Taylor then stated that the second item on the agenda is Conflicts Coordinator Position. Further stating that it was his understanding that the staff isn't comfortable being involved in this process at all and nothing has happened. Chairman Taylor asked Mr. Freebourn if that was correct, to which Mr. Freebourn answered that it was correct.

Chairman Taylor then stated that we have to come up with a job description, and further stated that he didn't think we had to advertise it as a contract.

Mr. Freebourn answered by stating that when he said the staff was not comfortable – he meant we cannot help you make this decision or manage the function, but we can assist you with administration function and would be happy to do so at your direction.

Chairman Taylor then asked if we had a description of the duties.

Mr. Freebourn answered that they did not, but he could speak with Barb Kain, H.R. Director for the office, and get it done in two days.

Commissioner Nardi suggested that if we contracted with a fairly well known person in the State, maybe Dave Patterson, to give conflict opinions to us, and it seems to

me that it would be an extremely small number, my thought is, just simply contract with a guy in the wings.

Chairman Taylor stated that was part of what we would be doing, but it would be handling the conflicts contracts.

Mr. Freebourn stated that the major reason why we're exempt from procurement law for contracting for attorney services was so to provide our office flexibility to contract for professional services

Mr. Murphy then stated that the job description should be very much the same as my job description. This conflict manager will be contracting with conflict attorneys. I'll be contracting with a whole pool of contract attorneys and will have an MOU and those same people could also be contracting and acting as conflict attorneys.

Commissioner Nardi asked why isn't that they simply perform as a duty by the Regional Manager?

Mr. Murphy stated that those decisions were made before I came on board. Apparently you folks decided that it needs to get out of the auspice of these officers – Regional would contact the conflict manager...

Commissioner Nardi stated [REDACTED]

Mr. Murphy interjected that he thought Jim was a proponent of this?

Chairman Taylor stated that this came from Mr. Olsen and Chief Hood.

Mr. Olson stated that the idea was not fully developed. Mr. Olson spoke to Mr. Nardi that idea that regional folks could make the appointment – problems come from the Regional Administration – assigns the conflict then washes his hands of it. Mr. Olsen indicated he didn't think the problem is the initial pickup, but once they send the name and charging documents out – it's not appropriate to have further contact.

Chairman Taylor asked if he was talking about standards being followed.

Eric Olson: [REDACTED]

Commissioner Nardi asked what kind of contact would be needed after the case is given to the attorney?

Chairman Taylor stated that he though the problem, in terms of making sure standards are enforced, was that we didn't want the people who have the conflict to tell the attorney they are not following the standards. Chairman Taylor asked Mr. Olsen if that was correct, and Mr. Olsen indicated that was correct.

Mr. Freebourn then asked Mr. Olson if we as staff could help them control their budgets, etc..

Chairman Taylor indicated only with the standards.

Commissioner Nardi asked why the regional guy can't see if they're not doing the job, why can't he say they're not performing – I'm having trouble seeing the need for it.

Chairman Taylor stated [REDACTED]

Commissioner Nardi stated that the regional manager is the one who has the knowledge, seems to me he could offer general suggestions. I have a real problem with a guy sitting in Bozeman telling a guy in Plentywood how to run a case.

Commissioner Sherwood stated that he thought there does have to be a separation there. We talked about it the last time and it's probably not going to be full time – maybe Dave Patterson is the guy -

Commissioner Nardi asked how about having [REDACTED]

Commissioner Donovan stated that he thought he was the only one who says the regions are part of one big office.

Chairman Taylor then stated he didn't have a problem with a regional person reporting a problem to the conflicts administration, but he didn't see how the person with the conflict can enforce the standards.

Commissioner Nardi stated [REDACTED]

Commissioner Sherwood asked Mr. Donovan if they ever got to the bottom line, that is – regional guy has a conflict – did we decide that the conflict guy can call up the next regional guy to get some to take over?

Commissioner Nardi stated that the regional guy then assigns it out. At that point he hands it out and has nothing more to do with it.

Chairman Taylor stated that the administration of [REDACTED]

Commissioner Nardi stated that where there is no conflict, the regional guy can oversee the contract attorney. Only the conflicts where we need Mr. X to come in and handle that.

Commissioner Hensley asked what the vision for this position was - hourly or fixed contact?

Commissioner Nardi stated that it was hourly and should be paid \$60.00 just like everyone else.

Mr. Freebourn asked the Chairman what he wanted your staff to do. Was it to get the Commission a job description of a position probably very much like Larry's position? Any other steps?

Chairman Taylor asked just to report by Friday. Further, Chairman Taylor stated he guessed the commission will have to decide. Do we want to advertise it? I'd be more comfortable trying to find someone because we need someone by July 1. Does anyone have anybody in mind?

Mr. Freebourn asked the Chairman if anyone does have anybody in mind, do you want them to email you directly.

Chairman Taylor stated that he wanted to know that information and the sooner the better. Chairman Taylor further stated that they were responsible for overseeing standards for conflict attorneys, will report to the commission, administrative function handled by central office in terms of billing.

Commissioner Sherwood asked that he look at Page 12 of our current standards?

Mr. Freebourn indicated that we could get with Chairman Taylor or designee to set a budget. It will be a carve out budget from the current strategic plan.

Chairman Taylor stated that it was part of the contract function. Anything else, before we go to the public for comment?

Commissioner Sherwood asked that when we ask them to do this for \$60.00 per hour, are we asking them to look at the standards.

Chairman Taylor answered that we are voting on the standards at the end of the month and implementing them over the next year.

Commissioner Sherwood asked if we cared if they're got support staff, etc.?

Commissioner Donovan asked if some of the contractors get the benefit of using regional investigators.

Chairman Taylor stated that we would have to figure out on a case by case basis when they do need extra resources.

Commissioner Nardi asked if that would be the duty of the conflicts guy. And Chairman Taylor said that it would. Then Commissioner Nardi indicated that that sounded good.

Mr. Freebourn stated that we did have two members of the public here. Chairman Taylor indicated that the meeting was then open for public comment. Mr. Freebourn stated that there was no public comment.

Chairman Taylor stated he would then entertain a motion to adjourn the meeting, and stated that they will be back in session on the 29th. At that time he will at least call in for the vote on the standards, or he may be able to make part of the meeting.

Commissioner Nardi moved to adjourn the meeting, with Commissioner Bischel seconding the motion. The motion passed and the meeting was adjourned at 4:40 p.m.